

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:22-MD-3036-RJC-DCK**

**IN RE: GARDASIL PRODUCTS LIABILITY  
LITIGATION**

**MDL No. 3036**

**THIS DOCUMENT RELATES TO  
ALL CASES**

**APPLICATION OF K. RACHEL LANIER  
FOR PLAINTIFF CO-LEAD COUNSEL POSITION**

***BACKGROUND INFORMATION***

Rachel Lanier is a Senior Attorney at the Lanier Law Firm (LLF), Managing Attorney of the Los Angeles Office, Manager for the Early Vetting of LLF Cases, and helps lead the LLF Trial Team. She practices in the areas of toxic torts, pharmaceutical litigation, mass torts, and product liability.

Ms. Lanier received her Bachelor of Arts in Psychology with a Minor in Religion from Pepperdine University in California. She then pursued a law degree from St. John's University School of Law in New York, where she served as a legal advocate for domestic abuse victims through the Domestic Violence Litigation Clinic. She also worked as a teaching fellow for Dean Michael A. Simons, and was a recipient of the Dean's Award for Excellent Service for her extensive pro bono work.

Ms. Lanier is licensed to practice law in the states of New York, New Jersey, and California.

***RELEVANT EXPERIENCE***

Since 2019, Ms. Lanier has served on the Plaintiff Steering Committee and as Chair of the

Early Vetting Subcommittee in the *3M Combat Arms Earplugs Products Liability MDL 2885* before Judge M. Casey Rodgers in the Northern District of Florida. In doing so, she oversees a team of attorneys and staff that are dedicated to representing thousands of plaintiffs who served our country and suffer from hearing loss and tinnitus. She has done extensive work creating MDL protocols and pre-trial documents, including the census forms, and has helped create and negotiate numerous discovery protocols to efficiently drive forward the nation's largest MDL. She is also an accredited attorney for the preparation, presentation and prosecution of claims for veterans' benefits before the Department of Veterans Affairs (VA).

In her capacity on the LLF Trial Team, Ms. Lanier has been an integral part of numerous state and federal trials and has helped extensively with discovery and pre-trial workup. Ms. Lanier co-led the trial work-up in *Ingham v. Johnson & Johnson et al* in Missouri State Court, where she represented 22 women who suffered from and/or died from ovarian cancer allegedly caused by talcum powder exposure and played a significant role in obtaining the unanimous \$4.64 billion verdict on behalf of the plaintiffs. Johnson & Johnson appealed the verdict, and Ms. Lanier was extensively involved in the appellate work that led to the Supreme Court of the United States rejecting J&J's appeal, effectively ending the case and leaving in place a Missouri appeals-court ruling against the company. Ms. Lanier was on the trial team for the first bellwether trial in the *National Prescription Opiates Litigation MDL 2804* that won a verdict against retail pharmacies operated by Walmart, CVS and Walgreens finding that they failed to follow guidelines that would have curtailed the distribution of highly addictive opioid painkillers. Ms. Lanier did considerable work on the *Epipen Litigation MD 2785* before Judge Daniel Crabtree, a case that was ultimately resolved out of court right before going to trial. Ms. Lanier was also part of the trial team for two trials in the *DePuy Pinnacle Hip Implant MDL 2244* in the Northern District of Texas, which resulted in verdicts of more than \$1 billion.

Recently, Ms. Lanier has been working with others on the *Elmiron MDL 2973* before Judge Brian Martinotti in the US District Court for the District of New Jersey, aiding with bellwether work-up including through discovery and depositions. She also continues her work in state court cases currently representing several thousands of coal miners who are pursuing black lung cases against mask manufacturer 3M throughout Kentucky and West Virginia.

Ms. Lanier's current billing rate is \$900 per hour.

#### ***LANIER LAW FIRM - RELEVANT EXPERIENCE***

The Lanier Law Firm attorneys have been involved as an Executive Committee member or a Steering Committee member in multiple federal MDL cases, as well as within multiple state coordinated proceedings in pharmaceutical, medical device and product liability MDL litigations. Our firm has been appointed to the following MDL and/or state coordinated proceedings:

- a. *In re National Prescription Opiate Litig.*, 1:17-MD-2804 -02738 (N.D. OH);
- b. *In re Johnson & Johnson Talcum Powder Prods, Mktg., Sales Practices & Prods. Liab. Litig.*, 3:16-md-02738 (D.N.J.);
- c. *In re DePuy Orthopedics, Inc., Pinnacle Hip Implant Prods. Liab. Litig.*, 3:11-md-2244 (N.D. Tex.);
- d. *In re Actos (Pioglitazone) Prods. Liab. Litig.*, 6:11-md-2299 (W.D. La.);
- e. *In re Epipen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.*, 17-md-2785 (D.Kan.);
- f. *In re DePuy Orthopaedics, Inc., ASR Hip Implant Prod. Liab. Litig.*, 1:10-md-2197 (N.D. Ohio);
- g. *In re Am. Med. Sys., Inc., Pelvic Repair Sys. Prods. Liab. Litig.*, MDL No. 2325 (S.D.W. Va.);

- h. *In re Boston Scientific Corp. Pelvic Repair Sys. Prods. Liab. Litig.*, MDL No. 2326 (S.D.W. Va.);
- i. *In re Ethicon, Inc., Pelvic Repair Sys. Prods., Liab. Litig.*, MDL No. 2327 (S.D.W. Va.);
- j. *In re C. R. Bard, Inc., Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2187 (S.D.W. Va.);
- k. *In re Zimmer NexGen Knee Implant Prods. Liab. Litig.*, MDL No. 2272 (N.D. Ill.);
- l. *In re Vioxx Mktg., Sales Practices & Prods. Liab. Litig.*, 2:05-md-1657 (E.D. La.);
- m. *In re Bextra and Celebrex Mktg., Sales Practices & Prods. Liab. Litig.*, M:05-cv-01699, (N.D. Cal.);
- n. *In re Testosterone Therapy Prods. Liab. Litig.*, 1:14-cv-1748 (N.D. Ill.);
- o. *In re Biomet M2a Magnum Hip Implant Prods. Liab. Litig.*, 3:12-md-2391 (N.D. Ind.);
- p. *In re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices & Prods. Liab. Litig.*, MDL No. 2100 (S.D. Ill.);
- q. *In re Zyprexa Prods. Liab. Litig.*, 04-md-1596 (E.D.N.Y.);
- r. *In re Mirena IUD Prods. Liab. Litig.*, 13-md-2434 (S.D.N.Y.);
- s. *In re Lipitor (Atorvastatin Calcium) Prods. Liab. Litig.*, 14-mn-2502 (D.S.C.);
- t. *In re Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 07-md-01871 (E.D. Pa.);
- u. *In re Neurontin Mktg. & Sales Practices Litig.*, 04-cv-10981 (D. Mass.);
- v. *In re Levaquin Prods. Liab. Litig.*, 08-md-1943 (D. Minn.);
- w. *In re Propecia (Finasteride) Prods. Liab. Litig.*, 1:12-md-02331 (E.D.N.Y.);
- x. *In re Heparin Prods. Liab. Litig.*, 1:08-hc-60000 (N.D. Ohio);
- y. *In re Digitek Prods. Liab. Litig.*, MDL No. 1968 (S.D.W. Va.); and
- z. *In re Chantix (Varenicline) Prods. Liab. Litig.*, 2:2009-cv-02039 (N.D. Ala.).

LLF has also maintained leadership roles in many State Court mass tort litigations, and has litigated substantial dockets in many other mass tort cases not listed. It is our intention to bring the very same level of commitment to this MDL.

***CO-LEAD AND LIAISON COUNSEL CONSENSUS***

I have consulted with the applicants for co-lead and liaison counsel, as well as, through meetings and calls, all other known lawyers currently representing clients who have filed or expect to file an action in federal court. To the best of my knowledge, there is unanimity among those lawyers as well as among the three putative co-leads and liaison that, if the Court permits, the undersigned, Paul Pennock, and Bijan Esfandiari will serve as co-leads, and Alison Mullins as liaison counsel. Although we realize the Court will not be considering views on a leadership structure until the first hearing on October 11th, the co-leads and liaison applicants believe that a strong committee of dedicated lawyers will be extremely helpful to the efficient prosecution of this MDL and is in fact, in our view, necessary. We look forward to presenting on this to the Court and answering any questions that the Court may have at the first hearing.

Respectfully submitted,

/s/ K. Rachel Lanier

K. RACHEL LANIER

**THE LANIER LAW FIRM**

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# EXHIBIT 1

**K. RACHEL LANIER, ESQ.**

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**EXPERIENCE**

**The Lanier Law Firm**

December 2016 - Present

Los Angeles, CA; Houston, TX; New York, NY

- Senior Attorney, Managing Attorney of the Los Angeles Office, Manager of the Early Vetting of Cases for the firm, and member of the LLF Trial Team.
- Legal representation in matters concerning toxic exposure; pharmaceutical liability; personal injury; and products liability.
- Member of the Plaintiff Steering Committee and Chair of the Early Vetting Subcommittee in the *3M Combat Arms Earplugs Products Liability MDL 2885*.
- Member of the Trial Team in following cases: *Ingham v. Johnson & Johnson et al* in Missouri State Court (plaintiff verdict: \$4.64 billion), *DePuy Pinnacle Hip Implant MDL 2244* in the Northern District of Texas (plaintiff verdicts in two trials exceeding \$1 billion), the bellwether MDL trial in the *National Prescription Opiates Litigation* (plaintiff verdict), *In re Epipen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.* (resolved prior to trial).
- Integral part of discovery and trial work-up of numerous other MDL trials and state court cases.

**Belluck & Fox, LLP**

May 2015 – December 2016

New York, NY

- Legal representation for plaintiffs in asbestos cases.
- Conducted dozens of depositions and was part of trial team securing numerous multi-million-dollar verdicts for victims with mesothelioma.

**EDUCATION**

**St. John's University School of Law, New York, NY**

- Juris Doctor; May 2015
- Women's Law Society; Teaching Fellow for Dean Simons; Advocate at the Domestic Violence Litigation Clinic; Recipient of Dean's Award for Excellent Pro Bono Service

**Pepperdine University, Malibu, CA**

- Major: Psychology, B.A.; Minor: Religion; May 2012
- President, Delta Gamma Sorority

**BAR ADMISSIONS**

- New Jersey (2015)
- New York (2016)
- California (2022)

## **CERTIFICATIONS & COMMUNITY ACTIVITIES**

- Co-chair, American Association for Justice 3M Combat Arms Earplugs Litigation Group
- Accredited Attorney for the preparation, presentation and prosecution of claims for veterans' benefits before the Department of Veterans Affairs (VA).
- Board Member, Central European Christian Education Foundation.
- Board Member, Lanier Theological Library Foundation.
- Member, American Association for Justice
- Member, New Jersey Bar Association
- Member, New York Bar Association
- Member, California Lawyers Association
- Frequent Speaker at various Continuing Legal Education seminars and webinars, including the Annual Louisiana Complex Litigation Symposium, Harris Martin Seminars, National Trial Lawyers, the Great Trials Podcast, Trial Lawyer Association Meetings, and others.

## **AWARDS**

- Recognized as one of America's Best Lawyers by *U.S. News and World Report*.
- Member of the National Trial Lawyers, Civil Plaintiff Top 40 under 40.
- Super Lawyers Rising Star, 2017-2021.
- Outstanding Young Women Lawyers for New York Metro Area, 2019.
- New York Metro's Rising Star, 2018-2020.
- National membership into the American Trial Academy: Top Tier Lawyers 2020.



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed on the date indicated below using the Court's ECF system, which will provide notice of this filing to all counsel of record.

This, the 20<sup>th</sup> day of September 2022.

**/s/ Bijan Esfandiari**

Bijan Esfandiari